

Message Text

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FOLLOWING SENT SECSTATE INFO ATHENS, BELGRADE, BOGOTA, MOSCOW,
NAIROBI, USUN FROM GENEVA ON JUL 20, RPTD TO YOU:

QUOTE

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SUBJ: LOS: SEABED COMMITTEE: SUBCOMMITTEE III MEETING,
JULY 18

SUMMARY: US AND KENYA INTRODUCED DRAFT ARTICLES ON
PREVENTION OF MARINE POLLUTION. COLUMBIA, YUGOSLAVIA,
USSR AND GREECE SPOKE ON THE TRANSFER OF TECHNOLOGY.
MALTA OPPOSED US-PROPOSAL RE MEPC IN
IMCO. END SUMMARY

1. US INTRODUCED DRAFT ARTICLES ON THE PROTECTION OF
THE MARINE ENVIRONMENT (ARTICLES AND SPEECH POUCHED
SEPARATELY). FOCUS ON
INTERNATIONAL STANDARDS FOR VESSEL-SOURCE POLLUTION,
FLAG STATE, PORT STATE, AND COASTAL STATE
ENFORCEMENT RIGHTS, AND US PROPOSAL IN IMCO CONCERNING
MEPC.

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2. KENYA INTRODUCED DRAFT ARTICLES ON THE PREVENTION

AND CONTROL OF POLLUTION IN THE MARINE ENVIRONMENT (A/AC.138/SC.III/L.41 POUCHED SEPARATELY). THE DRAFT FOLLOWS ARTICLES 8, 11, 15 AND 17 OF THE OAU DECLARATION ON THE ISSUES OF THE LAW OF THE SEA AND KENYAN ARTICLES ON THE EXCLUSIVE ECONOMIC ZONE. THEY STRESSED THAT SOVEREIGN STATES MUST BE ABLE TO EXPLOIT THEIR RESOURCES IN ACCORDANCE WITH THEIR OWN ENVIRONMENTAL POLICIES, AND THAT THE LDC'S DEVELOPMENT MUST NOT BE IMPEDED. THEY ACCEPT THE OBLIGATION NOT TO POLLUTE THE MARINE ENVIRONMENT BUT SINCE INDUSTRIALIZED STATES ARE THE MAIN POLLUTERS THEY SHOULD CARRY THE MAIN BURDEN OF CLEANING THE SEAS. THE ARTICLES GIVE THE COASTAL STATE A RIGHT TO ESTABLISH A MARINE POLLUTION CONTROL ZONE IN WHICH THEY SHALL HAVE EXCLUSIVE JURISDICTION TO PREVENT OR MINIMIZE DAMAGE TO THE MARINE ENVIRONMENT. THE ZONE SHALL NOT EXCEED 200 MILES. THIS IS A PURELY DEFENSIVE MEASURE TO PROTECT FISHERIES AND TOURISM. STATES SHOULD COOPERATE IN THE FORMULATION AND IMPLEMENTATION OF MEASURES. THE STANDARDS SET BY THE COASTAL STATE SHOULD TAKE INTO ACCOUNT INTERNATIONAL STANDARDS. DEVELOPED COUNTRIES HAVE THE OBLIGATION TO LDC'S TO TRAIN THEIR PERSONNEL AND TRANSFER KNOW-HOW FOR THE PURPOSE OF CONTROLLING OR PREVENTING MARINE POLLUTION.

3. KENYAN REP SPOKE ON THE US PROPOSAL FOR CREATING AN MEPC IN IMCO. THEY STATED THAT UNEP CAN PERFORM MEPC FUNCTIONS WITH IMCO ACTING IN A TECHNICAL ADVISORY CAPACITY.

4. COLUMBIA SPOKE ON THE TRANSFER OF TECHNOLOGY AND MADE THREE PROPOSALS (1) A STUDY SHOULD BE INSTITUTED WITH A VIEW TO DRAWING UP REGULATIONS ON TECHNICAL ASSISTANCE AND THE TRANSFER OF TECHNOLOGY. (2) STATES CARRYING OUT SCIENTIFIC RESEARCH SHOULD MAINTAIN TRANSFER OF TECHNOLOGY PROGRAMS FOR STATES IN THE REGION. (3) SCIENTIFIC RESEARCH, TECHNICAL ASSISTANCE AND TRANSFER OF TECHNOLOGY SHOULD BE CARRIED OUT UNDER THE INTERNATIONAL AUTHORITY TO BE ESTABLISHED.

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THEY INDICATED THAT THE TRANSFER OF TECHNOLOGY SHOULD TAKE PLACE WHETHER OR NOT TECHNOLOGY IS PROTECTED BY PATENTS AND THAT IT BE ON AN EQUITABLE BASIS. THEY ALSO INDICATED THAT TRANSFER OF TECHNOLOGY IS NECESSARY TO ALLOW STATES TO REALIZE FULLY THE RESOURCES IN THE PATRIMONIAL SEA AS WELL AS IN THE AREA BEYOND NATIONAL JURISDICTION.

5. YUGOSLAVIA NOTED THAT THE TRANSFER OF TECHNOLOGY AND THE PROBLEM OF FINANCING HAVE NOT BEEN IN THE FOREFRONT OF THE UN PRIMARILY BECAUSE OF THE RESISTANCE OF THE CAPITAL INTERESTED IN THE MAINTENANCE OF THE EXISTING RELATIONS IN THE MARKET OF TECHNOLOGY. HOWEVER, RECENT CHANGES HAVE TAKEN PLACE IN THIS FIELD DUE TO THE DEVELOPING COUNTRIES IN UNCTAD, ECE, AND ECOSOC. IN THEIR VIEW THE TRANSFER OF TECHNOLOGY INVOLVES ALL SECTORS OF ECONOMIC ACTIVITY, WHETHER IT BE IN SEABEDS OR OTHERWISE. HE SUGGESTED SETTING UP INTERNATIONAL CENTERS FOR INFORMATION ON TECHNOLOGY MARKETS. HE URGED APPROPRIATE MEASURES AT THE NATIONAL LEVEL AS WELL AS SETTING UP OF INSTITUTIONS IN DEVELOPING COUNTRIES.

6 THE SOVIET UNION REVIEWED SOME OF THEIR PROGRAMS ON THE TRANSFER OF SCIENTIFIC KNOWLEDGE AND TECHNOLOGY TO LDC'S AND SUPPORTED TECHNOLOGY TRANSFER (INCLUDING PATENTED TECHNOLOGY) IN THAT REGARD. THEY TIED THE TRANSFER OF TECHNOLOGY TO FREEDOM OF SCIENTIFIC RESEARCH ON THE HIGH SEAS. WITHOUT THE LATTER, COOPERATION IS NOT POSSIBLE IN STUDYING THE OCEANS. THEY STRESSED THE TRANSFER OF TECHNOLOGY MUST BE BASED ON AGREEMENTS (BILATERAL) BETWEEN STATES. THEY NOTED THE NEED FOR COOPERATION IN HIGH SEAS FISHERIES. THE TRANSFER OF TECHNOLOGY SHOULD ALSO RELATE TO THE EXPLOITATION OF THE RESOURCES OF SEABED AND TO MARINE POLLUTION AS WELL AS TO BROADEN THE RESEARCH CAPABILITIES OF LDC'S AND LAND-LOCKED STATES.

7. GREECE STATED THAT SCIENTIFIC RESEARCH AND TRANSFER OF TECHNOLOGY ARE CLOSELY RELATED AND MUST BE CONSIDERED TOGETHER. THERE MUST BE COOPERATION IN TRANSFER OF
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TECHNOLOGY IN ORDER TO REALIZE THE COMMON HERITAGE, AS WELL AS RESOURCES WITHIN NATIONAL JURISDICTION. THE INTERNATIONAL AUTHORITY AND DEVELOPED STATES MUST TRANSFER TECHNOLOGY TO THE LDC'S.

8. MALTA STATED THAT THE US INITIATIVE IN IMCO IS AN ATTEMPT TO EXPAND THE TERMS OF REFERENCE OF IMCO, WHICH IS A CONSTITUTIONAL ISSUE, AND IS PREJUDICIAL TO THE WORK OF THE LAW OF THE SEA CONFERENCE. IN THIS LATTER REGARD THEY QUOTED FROM TRAIN'S SPEECH TO IMCO WHEREIN HE STATED THAT THE BUDGETARY CONSEQUENCES OF THE US PROPOSAL ARE SUCH THAT HE HOPED THAT LOS WOULD TAKE THESE AND RELATED MATTERS INTO ACCOUNT IN CONSIDERING THE COLLECTION AND DISTRIBUTION OF REVENUES FROM SEABED RESOURCE ACTIVITIES. REP ALSO

DISAGREED WITH KENYA THAT FUNCTIONS OF MEPC BE GIVEN
TO UNEP. HE SUPPORTED THE MALTESE INSTITUTIONAL
APPROACH TO OCEAN SPACE.

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